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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Applicant(s): Harald Schmidt, et al. )  
Serial No.: 09/762,767 )  
Filed: February 13, 2001 )  
For: **ISOLATED AND PURIFIED HUMAN** )  
**SOLUBLE GUANYLYLCYCLASE** )  
 **$\alpha 1/ \beta 1$  (HSGC $\alpha 1/ \beta 1$ )** ) Atty. Docket No.: VOS-101

**COMMUNICATION**

Box PCT  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated April 27, 2001, submitted herewith please find the following:

- (a) Executed Declaration For Utility or Design Patent Application (37 C.F.R. 1.63);
- (b) Twenty-eight (28) substitute sheets of formal drawings, depicting FIGURES 1-30, with the text translated into English;
- (c) Substitute paper copy of Sequence Listing;
- (d) Computer-readable form of the Sequence Listing;
- (e) Copy of the Patent Office Notification; and
- (f) Check in the amount of \$130.00 to cover surcharge.

Please note address changes for Inventors Schmidt and Poller as follows: Harald Schmidt's address has been changed to Arndtstr. 14, D-35392 Gießen, Germany and Wolfgang Poller's address has been changed to Rohrbecker Weg 43c, D-14612 Falkensee, Germany.

6/07/2001 LLANDGRA 00000013 09762767

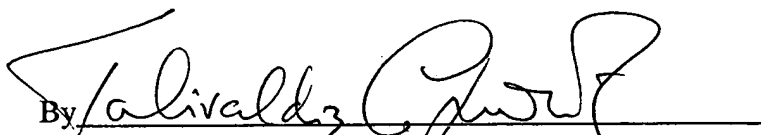
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130.00 DF

These submissions do not constitute new matter and are supported in the application as filed. To the best of my information and belief, the sequence listing information recorded in computer-readable form is identical to the paper copy of the sequence listing.

Please charge any additional fees concerning this matter or credit any overpayment to our Deposit Account No. 15-0508.

Respectfully submitted,

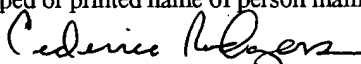
By   
Talivaldis Cepuritis (Reg. No. 20,818)

OLSON & HIERL, LTD.  
20 North Wacker Drive  
36th Floor  
Chicago, Illinois 60606  
(312) 580-1180

**CERTIFICATION UNDER 37 CFR 1.10**

"Express Mail" mailing label number: **EL 841695145 US**

I hereby certify that this correspondence, together with any other documents and/or fees referred to as enclosed herein, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on June 1, 2001 and is addressed to: Box PCT, Commissioner for Patents, Washington, D.C. 20231.

Cedric Rodgers  
(Typed or printed name of person mailing paper or fee)  
  
(Signature of person mailing paper or fee)



U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
762767	SCHMIDT	VOS-101
INTERNATIONAL APPLICATION NO.		
PCT/DE99/02601		
I.A. FILING DATE	PRIORITY DATE	
16 AUG 99	14 AUG 98	

OLSON & HIERL  
20 NORTH WACKER DRIVE  
SUITE 3600  
CHICAGO, IL 60606

**RECEIVED**  
MAY - 3 2001  
OLSON & HIERL, LTD.

DATE MAILED: **27 APR 2001**

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.  | <input type="checkbox"/> Indication of Small Entity Status.                                    |
| <input checked="" type="checkbox"/> Copy of the international application.  | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventor(s).   | <input type="checkbox"/> Translation of Article 19 amendments into English.                    |
| <input type="checkbox"/> Copy of Article 19 amendments.   | <input type="checkbox"/> Other:  |
| <input checked="" type="checkbox"/> Priority Document.  |  |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any.     |  |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. |  |

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed: ☒ PCT/DO/EO/917 ☒ Notice of Defective Translation  
☐ PTO-875 ☒ PCT/DO/EO/920

John L. Anderson

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-308-9116



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.

09/762767

ATTACHMENT TO FORM PCT/DO/EO/

905

### NOTICE OF DEFECTIVE TRANSLATION

The received translation is defective because:

- ☒ (1) The text in the drawings has not been properly translated;  
☐ (2) The number of claims in the International Application and the number of claims in the translation are not the same;  
☐ (3) The translation of the International Application is incomplete as a number of pages are missing;  
☒ (4) Other.

A translation of the sequence listing is also required.

John L. Anderson *CLA*

Telephone: 703-308-9116



U.S. APPLICATION NO.	FIRST APPLICANT	ATTY. DOCKET NO.
09/762767	SCHMIDT H	VOS-101
INTERNATIONAL APPLICATION NO.		
PCT/DE99/02601		
I.A. FILING DATE		PRIORITY DATE
16 AUG 99		14 AUG 98
DATE MAILED: 27 APR 2001		

OLSON & HIERL  
20 NORTH WACKER DRIVE  
SUITE 3600  
CHICAGO, IL 60606

**NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION**

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

John L. Anderson *JLA*

Telephone: 703-308-9116



U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/762767	SCHMIDT H	VOS-101
INTERNATIONAL APPLICATION NO.		
PCT/DE99/02601		
I.A. FILING DATE	PRIORITY DATE	
16 AUG 99	14 AUG 98	

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20 NORTH WACKER DRIVE  
SUITE 3600  
CHICAGO, IL 60606

DATE MAILED: 27 APR 2001

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☐ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☒ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE  
CALL:**

(703) 308-4216, for Rules interpretation,  
(703) 308-4212, for CRF submission help,  
(703) 287-0200, for PatentIn software help.

John L. Anderson *JLA*  
Telephone: 703-308-9116